



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: May 1, 2025
Department: Building, By-law & Planning
Report No.: BBP-2025-35
Submitted by: Alyssa Soldo, Planner
Reviewed by: Erin Besch, Planner
Approved by: Jake DeRidder, Senior Development Coordinator
SUBJECT: Application for Minor Variance (A7-2025) – 584 Albert Street,
Strathroy Owners: Jessica & Casey Vanderheide

RECOMMENDATION: THAT: Application for Minor Variance A7-2025 be approved.

PURPOSE:

The purpose of the minor variance application is to seek relief from Section 4.2(3)(a) of the Strathroy-Caradoc Zoning By-law to permit an exterior lot line setback of 4 metres (13.1 ft), whereas the Zoning By-law requires a minimum of 6 metres (19.7 ft) for an attached private garage. The applicant is also seeking relief from Section 5.3(5) of the Zoning By-law to permit a rear yard setback of 2.7 metres (8.85 ft), whereas 8 metres (26.2 ft) is required. The application will facilitate the construction of a 180m² (1,940 ft²) addition to the existing dwelling including an attached private garage.

BACKGROUND:

The subject property is located south of Albert Street (County Road 39), on the southeast corner of Jean Street (see location map). The property is approximately 1,302.35 m² (0.32 ac) in area with approximately 30.5 m (100 ft) of frontage along Albert Road and 42.7 m (140 ft) along Jean Street. The property currently contains a 91 m² (990 ft²) single detached dwelling and a carport structure (to be removed).

The applicant is proposing to construct a 180 m² (1,940 ft²) addition onto the dwelling which includes a 30.1 m² (324 ft²) attached garage. The dwelling is connected to municipal water and sewage services. The total lot coverage would be approximately 20.8%.

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In order for the lot to accommodate the proposed structure, the applicant is requesting a reduced exterior side lot line setback of 4 m (22 ft), whereas 6 m (19.7 ft) is required for a private garage in the 'R1' Zone. The exterior side yard setback for the dwelling in the 'R1' Zone is 5 m, although garages require an additional setback to accommodate vehicles on a driveway.

The applicant is also requesting a reduced rear yard setback of 2.7 m (8.85 ft), whereas 8 m (26.2 ft) is required in the 'R1' Zone.

Although the applicant is proposing that the attached garage front onto Jean Street, staff note that Albert Street (County Road 39) is considered the 'front lot line' based on the definition in the Zoning By-law for corner lots. This makes the 'rear lot line' the property boundary between the subject lands and 187 Jean Street to the south. The property's frontage along Jean Street is considered the 'exterior side lot line'.

Albert street is classified as an 'arterial road' under the jurisdiction of the County of Middlesex, and Jean Street is classified as a 'local road' under the jurisdiction of Strathroy-Caradoc.

Surrounding land uses include residential to the immediate south, east, and west, institutional to the north, and industrial further to the south, east, and west.

POLICY AND REGULATION BACKGROUND:

The Provincial Planning Statement, Middlesex County Official Plan, and Strathroy-Caradoc Official Plan allow for redevelopment within Settlement Areas provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

Provincial Planning Statement 2024

The subject lands are located within a 'Settlement Area' according to the 2024 Provincial Planning Statement (PPS).

The PPS indicates that the focus of growth and development shall be in settlement areas (Section 2.3.1.1). It further states that general intensification and redevelopment are supported for the achievement of complete communities (Section 2.3.1.3).

County of Middlesex Official Plan, 2023

The subject lands are located within the 'Settlement Areas' designation according to *Schedule A: Land Use*, as contained within the Middlesex County Official Plan.

Section 2.3.7.3 states that the County and local municipalities shall support opportunities to increase the supply of housing through intensification and redevelopment in appropriate locations, taking into account the municipal services, transportation, and environmental considerations. Housing intensification and redevelopment shall include, but not be limited to:

- a) the conversion of single detached dwellings, in appropriate locations, into multiple residential units;
- b) the creation of new residential units on vacant or underdeveloped lands through infilling in Settlement Areas;

- c) the creation of residential units above compatible commercial uses;
- d) accessory apartments/additional residential units; and
- e) boarding and lodging houses.

County Council shall encourage residential intensification and redevelopment in areas designated for residential uses, which comply with the following criteria:

- The physical potential of the existing building stock or sites to accommodate the identified forms of residential intensification;
- Current land and / or surrounding land uses do not pose an adverse impact on human health;
- The existing or planned physical services to support new households in the area; and,
- Physical compatibility with the existing built form.

Local official plans shall consider site specific characteristics for neighbourhood compatibility in order to address matters related to the physical character of redevelopment projects. Such matters as building height, lot coverage and parking, should be addressed in local official plans to guide the approval of zoning, site plans, and/or minor variances which occur as a result of intensification and redevelopment projects.

Strathroy-Caradoc Official Plan

The subject lands are within the 'Settlement Area' designation according to *Schedule A: Structure Plan*, as contained within the Strathroy-Caradoc Official Plan. Further, the lands are designated as 'Residential' according to *Schedule H: Land Use & Transportation Plan*.

Lands designated as 'Residential' are intended for residential purposes including a range of housing types and densities from single unit dwellings to high-rise apartment buildings (Section 3.3.4.1). Section 3.3.4.3 provides criteria for low density development proposals:

- a) Create a sense of neighbourhood identity;
- b) Result in attractive and distinctive streetscapes;
- c) Incorporate public amenities and safety measures;
- d) Utilize traffic calming measures;
- e) Preserve and enhance natural features;
- f) Provide a mix of housing types;
- g) Ensure appropriate and effective buffering from neighbouring non-residential uses;
- h) Minimize total road length and road surface within practical considerations for snowplowing, surface drainage, and on-street parking;
- i) Maximize energy saving criteria such as southern exposure for solar gain and landscaping and to minimize the adverse effects of winds.

It should be noted that the Strathroy-Caradoc Council adopted Amendment No. 14 to the Official Plan in 2022. The purpose of the Amendment was to update the Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Planning Statement (PPS), and reflect changing community needs for the next 25-years. Staff have reviewed the updated

policies and find the subject application generally consistent with the Plan. However, OPA 14 is currently under appeal and the policies are not determinative for this application.

Strathroy-Caradoc Zoning By-law

The subject property is currently within the 'Low Density Residential (R1) Zone' according to the Strathroy-Caradoc Zoning By-law.

The 'Low Density Residential (R1) Zone' in the Zoning By-law outlines provisions for lots on full municipal services including a minimum lot area of 460 m², a minimum lot frontage of 15 m, a minimum front yard depth/exterior side yard width of 5 m, a minimum side yard width of 1.2m, a minimum rear yard depth of 8 m, a maximum lot coverage of 40%, and a minimum landscaped open space of 40%.

CONSULTATION:

The application has been circulated to agencies and the public in accordance with the provisions of the *Planning Act*.

No comments have been received from the public or agencies on the application at the time of preparing this report.

ANALYSIS:

Section 45 of the *Planning Act* allows a municipality to grant a minor variance to a Zoning By-law based on four tests, as follows:

1. Are the variances considered minor in nature? YES

In regard to the exterior lot line setback reduction from 6 m to 4 m, staff are of the opinion that this variance can be considered minor in nature as the location of the attached garage would not create a sightline concern at the intersection as it will be generously setback from Albert Street. The setbacks of dwellings along Jean Street vary significantly, with a number of dwellings with similar setbacks to what is being proposed, therefore it would not be out of character for the area. Additionally, it is only the private garage which proposes to encroach into this setback, which is approximately 5.5 m wide and located at the rear of the property away from the intersection and roads due to road dedication widening requirements already in place. The dwelling itself will continue to adhere to the required side yard setback of 5 m, as it is only the attached garage which is subject to this reduction.

In regard to the rear yard setback reduction from 8 m to 2.7 m, staff are of the opinion that this variance can be considered minor in nature as amenity space can adequately be provided in the interior side yard; therefore, in this case, the rear lot line acts more as a side lot line. There will be room for drainage and maintenance purposes on the property as well as the applicant is maintaining lot coverage requirements. The existing carport is located closer to the rear lot line than the proposed garage will be. The proposed setback is not anticipated to have any negative impacts on surrounding land. Therefore, the impact of the proposal can be considered minor in that the character of the area would remain unchanged.

2. Are the variances an appropriate use of the land? YES

The proposed decrease in rear yard depth and the exterior side yard width for the garage are not anticipated to have an effect on how the subject lands will function as a residential property, nor how they conform to the general character of the area. The lot will maintain sufficient amenity space in the interior side yard and the proposed rear yard setback will ensure sufficient spacing to access the interior side yard for maintenance and amenity purposes. As such, staff are of the opinion that the proposed dwelling is appropriate and desirable for development of the property.

3. Do the variances maintain the intent of the Official Plan? YES

The property is within the 'Residential' designation of the Official Plan, which permits a range of housing types and densities, including low-density single detached dwellings and accessory structures. Low-density development within this neighbourhood compliments and re-enforces the neighbourhood identity and residential character of Strathroy. Staff are of the opinion that the requested variance will maintain the intent of the Official Plan.

4. Do the variances maintain the intent of the Zoning By-law? YES

The intent of the exterior side lot line setback for a private garage is to ensure sufficient space on the driveway to accommodate vehicle parking. The space provided within the garage and the existing longer driveway off Albert Street will be sufficient to accommodate parking spaces, and the secondary driveway can accommodate smaller vehicles. The reduction to the exterior lot line setback is not expected to detract from the overall character of the area. In this case, staff are satisfied that the intent of the zoning by-law is maintained.

The intent of the rear yard setback is to ensure appropriate separation between dwellings and the abutting lands to provide for privacy and adequate amenity space. It is the opinion of staff that the rear yard will continue to provide appropriate separation for privacy between the subject property and the neighbouring property as it exceeds the interior side yard setback, which is more in line with how this lot line will function. The interior side yard of this property is also sufficiently large to provide amenity space in place of the rear yard. Therefore, it is the opinion of staff that the intent of the Zoning By-law is maintained.

In summary, it is staff's opinion that the application meets the four tests of the *Planning Act* required in order to grant a minor variance.

CONCLUSION:

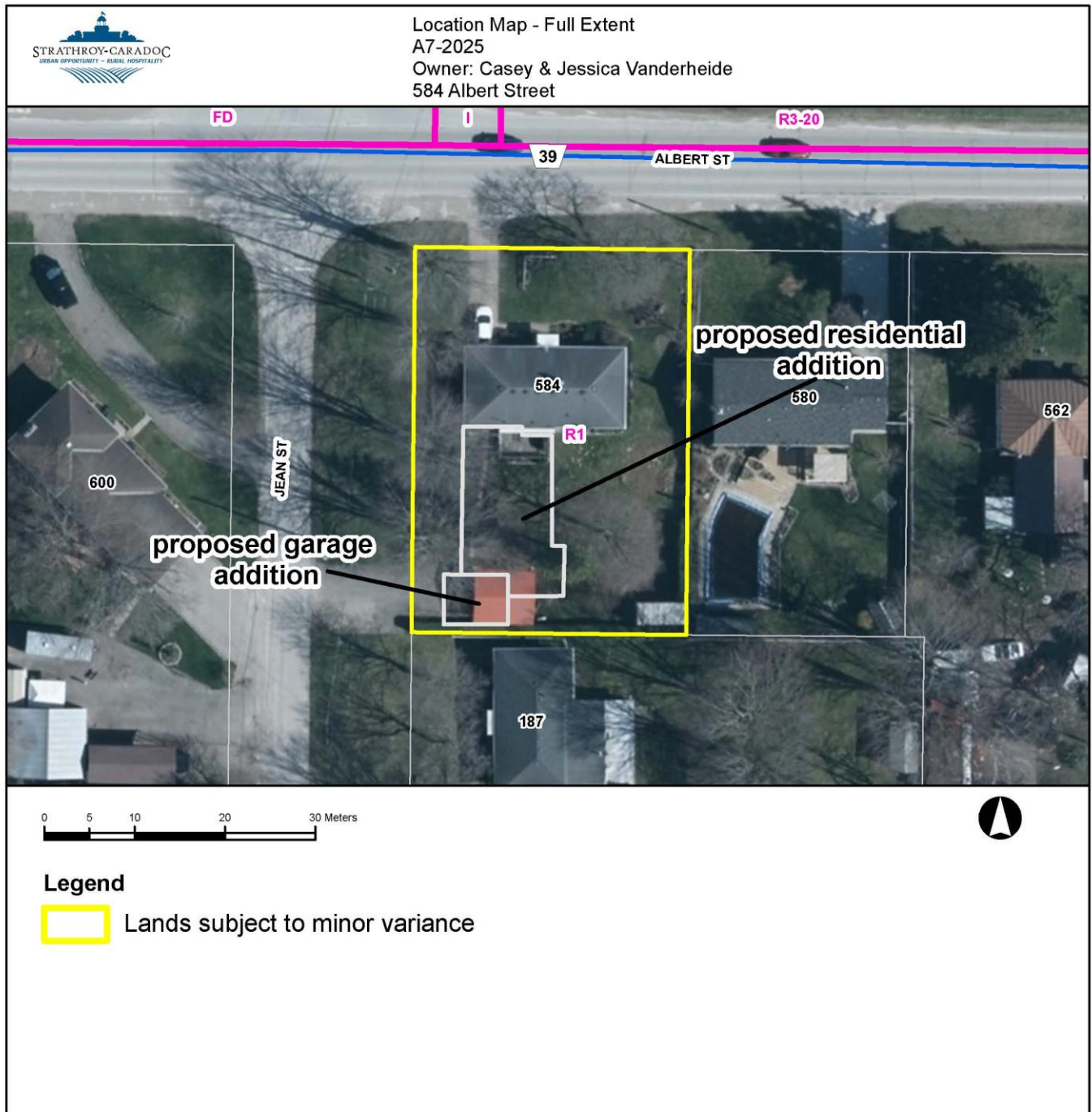
Based on the above analysis, it is recommended that the application to permit an exterior lot line setback of 4 m (13.1 ft) for an attached private garage, and to permit a rear yard setback of 2.7 m (8.85 ft) to facilitate the construction of a 180m² (1,940 ft²) addition to the existing dwelling including an attached private garage **be approved**.

ATTACHMENTS

Location Map

Site Plan

Location Map



Site Plan

